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REMARKS

Reconsideration of the present application is respectfully requested.

Claims 31-78 are pending in the application. Claims 75-78 are withdrawn.

Rejection under 35 USC Section 103

The Examiner has rejected claims 31-74 as being obvious over Romanczyk, Jr. (US 6,297,273; hereinafter referred to as the '273 patent) in view of Cooke et al. (US 5,945,452; hereinafter referred to as the '452 patent).

Applicants respectfully traverse the rejection on the ground that the '273 patent is disqualified as prior art under 35 USC §103 (c).

The present application claims the benefit of the parent application Ser. No. 09/041,327, filed March 12, 1998. Support for present claims 31-74 can be found throughout the '327 specification for example paragraph spanning pages 5 and 6; page 6, lines 17-21; paragraph spanning pages 6 and 7; page 7, line 24 to page 10, line 28; paragraph spanning pages 12 and 13; page 17, line 4 to page 18 line 2; page 24, Example 4-lines 31-39. Thus, claims 31-74 are properly entitled to the earliest filing date of March 12, 1998.

The '273 patent to Romanczyk, Jr. issued on October 02, 2001, *i.e.*, after the effective filing date of the present application, which is March 12, 1998. Hence the '273 patent appears to be cited as 35 USC Section 102(e) prior art, but it is disqualified as such under 35 USC Section 103(c) since the present application was filed on March 01, 2004, *i.e.*, after November 29, 1999, and was (and still is) is commonly owned with the '273 patent (*see*, MPEP 706.02(I)(1))

The International counterpart of the '273 patent PCT/US97/05693 published on October 09, 1997 (WO 97/36497). The '497 publication was filed with the IDS on June 04, 2004. The Examiner has initialed the reference on PTO form 1449 indicating that he has considered it.

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App. Ser. No: 10/790,289
Filed: 03/01/2004
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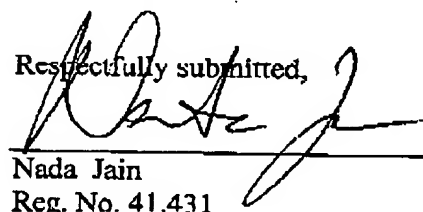
In view of the above remarks, withdrawal of the rejection is respectfully requested.

CONCLUSION

In view of the above remarks, Applicants believe that the application is now in condition for allowance. A notice to that effect is respectfully requested.

Date: November 14, 2006

Respectfully submitted,


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